

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 2/23/2011

Case Number 2:10-cr-168

Case Style: USA vs. Carolyn Ann Kitchen

Type of hearing Sentencing

Before the honorable: 2508-Copenhaver

Court Reporter Barbara Steinke

Courtroom Deputy Kelley Miller

Attorney(s) for the Plaintiff or Government Larry R. Ellis, Hunter P. Smith, Jr.

Attorney(s) for the Defendant(s) Nicholas S. Preservati

Law Clerk

Probation Officer Jeff Gwinn

Trial Time

Non-Trial Time

Court Time

1:37 pm to 2:20 pm

Total Court Time: 0 Hours 43 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

1:30 case set

1:37 - case called - defendant sworn - defense counsel over PSR with defendant thoroughly and she understands - defendant read PSR, went over with attorney, he explained, understands everything

Objections - abuse of position of trust and restitution - government agrees with defendant's position

Court made findings - restitution is not appropriate - two-level enhancement for abuse of position of trust is appropriate

Report is factually accurate

TOL 6 + I = 0-6 months

Mitigation - defense counsel, government, defendant

Court stated reasons for sentence including 3553(a) factors

Sentence - 5 years probation - \$1,000 fine (if able to pay) - no other costs

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14 days to appeal

2:20 concluded